

Department of Public Health
Washington, D. C.

Civil Rights March Planning Conference
D. C. Chapter Bldg., ARC
August 1, 1963

On August 1, 1963, a meeting was held at the D. C. Chapter of the American Red Cross for the purpose of planning for medical and health facilities to be provided for the Civil Rights March on August 28, 1963.

The following individuals attended the meeting:

Mr. James McShane, U.S. Department of Justice
Mr. Douglas McAllister, Department of Public Health
Mr. Richard Knapp, Office of Civil Defense
Mr. Daniel Leonard, American Red Cross
Mr. Henry Cobb, American Red Cross
Dr. Frederick Heath, Department of Public Health
Mr. David Fry, Department of Public Health

Mr. McShane stated that he had already met with Police Chief Robert V. Murray and offered the assistance of the Department of Justice in arranging for facilities and personnel during the march. He said that about 100,000 individuals would be present and that the area involved would be from 14th Street, N.W. to 23rd Street, N.W. and from Independence Avenue, N.W. to C Street, N.W.

According to Mr. McShane, the participants will visit with the President on the Ellipse and then finally proceed across Bacon Drive to the Lincoln Memorial at which point there would be a speaker stand and some spectator stands.

The Chief of Staff of the U.S. Army has examined the marchers' plan to proceed from fifty churches in the city and states that the plan is impossible since even a battalion of trained troops could not go from the churches to the parade area in the time allotted.

Zone No. 1 for bus parking will be in the 22nd and 23rd Street area. This area will accommodate from 750 to 1,000 buses. Zone No. 2 will be from 14th Street to Second Street on the Mall, which will accommodate about 800 more buses.

Mr. McShane further stated that only one identified group is known at this time who will arrive together. This group from the United Auto Workers in Detroit will arrive by special train and be transported to the Ellipse by shuttle bus service which they have arranged.

The police have stated that the participants must leave the Lincoln Memorial by 4:00 P. M. at the latest and that the buses should be leaving the city at 6:00 P. M. The Memorial Bridge will be shut off before the ceremonies.

Dr. Heath stated that there would be a Police escort car and one ambulance at each first aid station and that the number of stations would be limited to 13, consisting of 12 fixed stations and a mobile van. Each station will be staffed with one doctor and two nurses and be housed in the pyramidal 16' x 16' tent. An additional first aid station at Union Station will be staffed by a doctor and nurse from the Health Department.

The conference group agreed on the following assignment of responsibility:

Supplies - Civil Defense will furnish paper blankets and litter cots. If the Government dispensaries utilized will furnish their own first aid supplies, the Red Cross will not bill the District for other supplies used in their stations. Civil Defense has two hundred (200) litter cots at D. C. General Hospital from which the required amount can be drawn. It will not be necessary to return the paper blankets. The Health Department will arrange with the Department of Corrections to transport these supplies.

Professional Personnel - It was agreed that the Health Department would assume responsibility for providing professional personnel but that volunteer nurses would be provided by the Red Cross and that Visiting Nurses Association personnel would also be used.

Dr. John R. Pate, Chief, Bureau of Disease Control, Department of Public Health, will have the specific responsibility for the assignment and movement of doctors. Miss Mildred E. Negus, Assistant Chief, Bureau of Public Health Nursing, will be responsible for the assignment and movement of all nurses. In order to free professional personnel, the Health Department will go on a "Sunday Schedule" on the day of the march.

It was noted that we could anticipate about 1,000 casualties in a group of this size.

Ambulances - There will be one ambulance at each station. Mr. Leonard, or his substitute, will be responsible for providing ambulance

service. The Red Cross has six ambulances in Washington and can obtain others from Chapter in Baltimore. All of the ambulances have a radio which is tuned to 47.42 megacycles, F.M., the National Red Cross disaster frequency. The dispatching facilities are located in the D. C. Chapter Building and a hook-up will be provided with Civil Defense by 6:00 P.M. on August 27.

One Health Department ambulance will be provided at Union Station.

Federal Government Participation - Mr. McShane agreed to contact the Surgeon General to arrange for utilization of the specific dispensaries in the parade and assembly areas. He will also request that all Government Dispensaries operated by the Public Health Service be prepared to meet any other needs which may arise.

Mr. McShane will also contact General Services Administration to request their full cooperation in the use of Government buildings and will request the Department of Defense to provide the necessary tents, flies, and other equipment and supplies as may be needed, plus the labor necessary to erect the tents.

After Mr. McShane has informed us that this has been done and furnishes us with the names of contacts, the Department of Public Health will work out the details.

Signs - Dr. Heath will request the D. C. Commissioners' permission to utilize the sign-making facilities of the Department of Highways and Traffic and/or other D. C. agencies together with the labor to erect such signs.

Mr. Leonard will provide Dr. Heath with an order for signs plus samples.

Individual Identification - The Police Department expects to provide arm bands for key personnel and it is understood that buttons are being sold to the march participants.

Mr. Fry will prepare a proposed Commissioners' order specifying the identification which will be used.

- 4 -

Mobile Communication - Both the Red Cross and the Department of Civil Defense are prepared to furnish walkie-talkies and other mobile communication equipment. Dr. Heath outlined his present communication set-up for Mr. McShane's information.

Civil Defense radio operations will begin on midnight, August 27, 1963. It will be necessary for both the Police and Fire Departments to furnish communication personnel to man their facilities.

The meeting adjourned at 4:00 P. M.

National Science Foundation
State Building
Tempe Buildings K-L-J

Old Printing & Engraving Building
North Agriculture Building
New Smithsonian Building
Union Station

19th and Constitution Avenue
22nd and C Streets
Lincoln Memorial to Constitution
Avenue, N. W.
14th and Independence Ave., N. W.
14th and Independence Ave., N. W.
12th and Constitution Ave., N. W.
1st St. & Massachusetts Ave., N.E.

They wanted us to have someone contact GSA to get blanket permission to use the lobby of some of these buildings. I told them I would discuss it with Mr. Douglas.

Mr. Leonard said the Red Cross will have six ambulances and a mobile First Aid Unit located at the Memorial or the Ellipse, depending on where the larger crowd is gathered. If necessary, they can get additional ambulances from their Chapter in Baltimore. All ambulances have a radio which is tuned on 47.42 megacycles, FM, the National Red Cross disaster frequency. The dispatching facilities are located in the D. C. Chapter Building, and a hookup will be provided with Civil Defense at 6:00 p.m., August 27. Mr. Leonard, or his substitute, will be responsible for providing ambulance service.

Tentative plans have been made to have first aid stations at the following locations:

- 4 stations in Govt. building in the vicinity of the Ellipse
- 1 on the Mounting grounds
- 1 in the Navy Building
- 1 in the Munitions Building
- 1 in the Medicine & Surgery Building
- 1 by the Memorial
- 1 at 23d St. and Constitution Ave.
- 1 on each side of the Reflecting Pool

Total of 12 Stations and one Mobile First Aid Van.

At each of these Stations a police car will be assigned. Each Station will be staffed with one doctor and 2 nurses. The Stations will be housed in a pyramidal 16 x 16 tent. An additional first aid station at Union Station will also be staffed with a doctor and two nurses from the Health Department.

The conference group agreed on the following assignment of responsibilities:

PROPOSED LOCATIONS OF FIRST AID STATIONS

	<u>No. of Stations</u>
Monument Grounds	1
Ellipse, four buildings and one tent	5
Navy Building	2
Munitions Building	1
23rd and Constitution Avenue (near sanitary hook-up point)	1
Temporary building (near Lincoln Memorial)	1
Near Reflecting Pool and close to roadway near Monument	1
Mobile Van, placed according to ^{MASS} last pattern near Lincoln Mem.	1
Union Station	<u>1</u>
Total First Aid Stations	14

0
J.E.
D. C. Commissioner Walter Tobriner disclosed today that units of the District of Columbia National Guard will assist the Metropolitan Police in handling traffic and crowds on August 23 when the Civil Rights rally will be held in Washington.

Mr. Tobriner stated: "The Metropolitan Police, under Chief Robert V. Murray, will be responsible for traffic and crowd control on August 23, when some 100,000 demonstrators are expected to stage a Civil Rights rally here. The local National Guard, under the command of General [redacted], together with the National Capital Park Police, will assist the Metropolitan Police in carrying out these functions.

The local National Guard unit has a total strength of 1,800 men, of whom approximately 1,000 are trained MP's. With a total Metropolitan police complement of 2,100 and Park Police of 250 the use of the National Guard will make approximately 4,150 men available for duty on August 23."

File

7/31/63

James J. P. McShane
Chief, Executive Office for U. S. Marshals

AUGUST 28 RALLY - Meeting 7/31/63, 9 A.M.

Meeting held in my office this date. Present were:
John Reilly, Dr. Fred Heath and Dr. Murray Grant, Sanitation
Dept., D. C., Col. Gordon C. Jung, U. S. Army, and myself.

Dr. Grant said he and Dr. Heath had already met with
a group of local people concerned with the Rally. He wanted to
know about our role in the forthcoming Rally. I explained that
we were merely in to advise and assist all concerned, that the
Metropolitan Police Department was responsible and Chief Murray
was in overall command.

Dr. Heath said he and Dr. Grant had attended previous
meetings with Fire, Police, Sanitation, Health and other agencies -
some 20 in all - and these matters had been discussed.

They wanted to know if the 50 churches had been picked
and where they were located. Mr. Reilly explained that insofar
as we were concerned that had been eliminated and the area from
14th to 23rd Streets and Independence Avenue to C Street would be
sealed off for the Rally.

Dr. Grant asked how many were coming and when. He was
informed that their estimate was still 100,000 and that most of
them would arrive on the morning of the 28th. They also wanted to
know if doctors and nurses are coming with them.

He also said he was informed the National Park Service
has only two portable "johns". At the last Inauguration, they
rented 50 "Johnny-on-the-Spot" facilities from a firm in Baltimore.
The 50 serviced about 25,000 people. They are anxious to know who
will pay for the portable toilet facilities. They also would like
to know how many we can produce by August 1.

*Jung - to
investigate*
They want the Armed Forces to provide toilet facilities -
if possible - first aid and water fountains (we are to find out what
is available and let them know).

They intend to ask Commissioners for an order enabling them
to use local hospitals. They plan to put these hospitals on an
emergency status so that they may have the maximum amount of doctors,
nurses and ambulances.

They plan having about a dozen tents (20x20) in the area to be used for first aid and staffed with personnel and supplies. They said one or possibly two would have to be set up at Union Station as well as toilet and drinking water facilities. Col. Jung suggested the National Guard has a first aid unit and that we utilize it. Dr. Grant wants all first aid facilities and everything associated with it under his command and we see no objection to that. He said this would eliminate duplication of effort if it were coordinated through him. He is going to inquire of the Red Cross to see how many ambulances they can provide. Dr. Heath suggested that someone be put in charge of seeing that all key personnel are provided with proper identification.

Reilly explained the communications system would be set up at Police Headquarters in or adjacent to Chief Murray's office.

They were also informed that there is a dispensary in the Navy Building which could be made available to them. This they were unaware of but indicated they would make use of it.

They also intend to provide drinking water by supplying water tank trucks with "Bubblers" on them as well as on fire plugs.

They have a meeting scheduled for Monday at 2:00 P.M. in the office of Mr. Dave Auld, Sanitary Engineer, located in the District Building.

We will attempt to have the time of this meeting pushed up to an earlier time so that I can attend this meeting and they can attend the 2:00 P.M. meeting in Mr. Douglas' office in the Justice Department Building.

Meeting ended 10:10 A.M.

File *Mr. Douglas*

The Deputy Attorney General

July 31, 1963

Director, FBI

MARCH ON WASHINGTON
AUGUST 28, 1963
RACIAL MATTERS

I have been advised that Mr. Arthur S. Caldwell, who as the personal representative of Mr. Burke Marshall attended the meeting of Metropolitan Police Department officials and the March on Washington leaders, firmly rejected the suggestion that the Department and the FBI police or guard the buses which may be moving in interstate commerce carrying demonstrators to the District of Columbia.

This is to point out that Mr. Caldwell's comment that the FBI has no authority to guard or police a demonstration of this sort and that such function must be left to the local police authorities is in accord with our position.

It is strongly urged that any attempt to have the Department of Justice and the FBI engage in such a function be vigorously opposed.

1 - Mr. Burke Marshall
Assistant Attorney General

① - Mr. John W. Douglas
Assistant Attorney General

144-16-574
DEPARTMENT OF JUSTICE
27 AUG 1 1963
RECEIVED
FBI
Administrative

July 30, 1963

Communication Problems - August 28 March

I met with Rev. Fauntroy, and Sutton Jett and Nash Castro of the Department of Interior, to discuss problems and plans for audio communication for the August 28 march. Three separate problems were discussed -- loud speakers and amplification for the Lincoln Memorial and reflecting pool area, for the Constitution Avenue march route and for the assembly area in the Ellipse. We explained to Rev. Fauntroy that the Interior Department did not own audio equipment and that it would be necessary for him to get a commercial supplier. Mr. Jett suggested three reputable contractors that were able to handle a job of this size -- American Amplifying and Television Company, Shrader Sound and Coums. Mr. Jett estimated that loud speakers and amplification in the Lincoln Memorial and reflecting pool area would cost in the neighborhood of \$1,000 - \$1,500.

The Department of Interior does have portable self-contained power bull microphones which could be used along the Constitution Avenue march route. We discussed the advantage of keeping these microphones under joint control,

i.e., authorized march marshals and police to insure that they were not used by wrong elements.

We agreed that it would be necessary to have loud speakers and amplification in the Ellipse area. There is no power in this area and a mobile generator would have to be used. The Interior Department is under annual contract with the Keystone Radio Company. We suggested to Rev. Fauntroy that if the march committee assumed the responsibility for commercial contracting in the Lincoln Memorial and reflecting pool area, we would perhaps be able to have our contractor set up loud speakers in the Ellipse assembly area.

We also discussed the possibility of amplification in the Washington Monument area should the morning program be cancelled and buses reported immediately to the down town area upon arrival from out of town.

We visited the Lincoln Memorial, and Mr. Jett advised that the Interior Department would be willing to set up 4500 chairs in the area in front of the Lincoln Memorial. It was originally thought that no staging would be placed on the Memorial since the structure ^{itself} provides a serviceable platform. However, on the site we all agreed on the great advantage of erecting a raised speaker platform in order

that more people would be able to see the speakers on the sides of the Memorial.

The following timetable was agreed upon:

August 5 - 10 A.M. -- Rev. Fauntroy would meet with contractors at the Lincoln Memorial for the submission of bids for loud speakers and amplification in the Lincoln Memorial and reflecting pool area. Mr. Jett would attend the meeting and explain what services would be available by the Government. We agreed to furnish electrical power which is available at the Memorial.

August 5 -- We would furnish to Rev. Fauntroy an inventory of equipment that we propose to make available for joint use along the Constitution march route. Details could subsequently be worked out on how this equipment could be controlled and used.

August 9 -- Rev. Fauntroy would meet in New York with leaders of the march group and select the contractor.

August 12 - 10 A.M. -- Meeting place not yet set. Interior would meet with the contractor and work out details for installing equipment in the Lincoln Memorial and reflecting pool area.

August 12 -- We would announce whether we would assume responsibility for supplying of audio equipment in the Ellipse assembly area and our general plans for its use.

ALAN RAYWID

File

7/30/63

James J. P. McShane
Chief, Executive Office for U. S. Marshals

AUGUST 28 RALLY - Meeting 7/30/63, 9 A.M.

This date a meeting was held in the Deputy Attorney General's Conference Room which was attended by John Reilly, Lt. R. N. Crack and Sgt. R. Marican, U. S. Park Police (183-3161), Deputy Chiefs R. Liverman and C. L. Wright and Lt. F. Waters (NA 8-4000, X271) of the Metropolitan Police Dept., and the writer. Meeting started at 9:00 A.M.

Notes taken during the course of this meeting.

Reilly discussed in detail the proposed plan for the Rally and how we would like to see it end no later than 4 P.M.

Chief Liverman was of the opinion that parking of the buses be kept East of 17th Street. Also that the area from 14th to 23rd St.; Independence to C Street should be closed to all traffic (except buses) from about 10 A.M. to after conclusion of the Rally.

Lt. Crack estimates that when Marian Anderson sang at the Lincoln Memorial some years ago, about 50,000 people were there and there was "still plenty of room". Suggest we look the area over in person. Good idea!

The South Reflecting Pool Drive is under the supervision of GSA. The road is in a deplorable condition.

How many extra buses do Trailways, Greyhound, Short Line, etc., have?

Private autos carrying celebrants (?) will not be permitted to enter the area. Plans should be made to park them somewhere outside area.

Police will confer with Transit officials and advise them of alternate routes while area is closed.

Government personnel in State and other government buildings will have to be advised that during time area is closed, no one with car will be permitted to enter area.

Chief Liverman says he will need a minimum of 350 traffic men in the area to control traffic.

Park Police have a total force of 230 men of which 17 are mounted policemen.

There is a ball game at the Stadium that day - may be a problem.

Arrangements should be made to have shuttle service from Union Station to area.

Liverman is of the firm opinion that Constitution Avenue should be cleared all the way from 4th to 23rd Street.

Both Police Departments are preparing a quantity of signs, "No Parking After 12:01, August 28".

Lt. Crack will prepare map showing where crowd will stand at Memorial.

There is an average of 36 to 40 funerals per day crossing Memorial Bridge to Arlington Cemetery.

Liverman believes that the National Guard should be used for crowd control purposes only. Doesn't believe they are experienced enough to be used in traffic control.

Liverman stated that the Police Department has a helicopter which is used daily to report traffic conditions. They can be in contact with Police Departments in surrounding areas. However, to fly over area involved, Zone 1, they would need permission from Secret Service.

Later Chief Liverman's office called and stated after some experimenting, they considered that on an average, there are 4 people to 9 sq. ft.

Reilly stated next meeting of this group would be at 9 AM, August 5. At this meeting, police officials will submit plans for parking buses, cars, etc. Wants one plan and two alternate plans. He also stressed that all ideas, meetings and conversations on this subject should be reduced to writing - in the form of memos.

Meeting ended at 10 AM.

JUL 30 1962

MEMORANDUM

Re: Authority to use the National Guard of the District of Columbia to supplement civilian police force activities during a massive demonstration or parade in the District of Columbia

The question has been asked as to whether there is legal authority for the use of the National Guard of the District of Columbia to supplement civilian police activities during a massive demonstration or parade without calling the National Guard, or unit or members thereof, into active Federal service.

The National Guard of the District of Columbia is comparable to National Guard organizations of the several States, and when it is not in an active Federal status, it constitutes the organized militia of the District of Columbia.

Titles 10 and 32 of the United States Code contain many provisions dealing with the National Guard, but those provisions deal primarily with the organizational structure of the Guard, Federal recognition of its personnel, Federal benefits for service, the relationship of the Guard to other Federal Reserve Forces, and the duties and responsibilities of the Guard when it is federalized. However, the Federal law is practically silent as to the relationship of the Guard to the individual States and the use of the Guard as a militia by the States when the Guard is in a State status. Those relations and uses are determined by State law.

In this regard, Section 109(b) of Title 32 of the United States Code provides that nothing in that title limits the right of a State or Territory, Puerto Rico, the Virgin Islands, the Canal Zone, or the District of Columbia to use its National Guard within its borders.

Accordingly, most, if not all, States have detailed laws dealing with the National Guard when it is in a State status. Most States designate the Governor as the commander-in-chief and authorize him to use the Guard to maintain law and order in emergencies.

The Act of March 1, 1889, as amended (25 Stat. 772; D.C. Code, Title 39), provides the existing statutory authority with respect to the National Guard of the District of Columbia and is comparable to State statutes. In fact, the legislative history of that Act indicates that it was patterned after a number of State statutes in effect at the time of its enactment.

Section 7 of the Act of March 1, 1889, as amended (D.C. Code 39-201) provides that the commanding general of the District of Columbia militia shall be appointed and commissioned by the President, and provides that the President may remove him at any time. Section 9 of the Act (D.C. Code 39-204) authorizes the President to assign an officer to serve as adjutant-general of the District of Columbia organization. These functions are normally performed by the Governor in most States.

Section 44 of the Act (formerly 41) (D.C. Code 39-602) provides, in part, that:

"The commanding general shall prescribe such stated drills and parades as he may deem necessary for the instruction of the National Guard, and may order out any portion of the National Guard, for such drills, inspections, parades, escort, or other duties, as he may deem proper." [Emphasis added.]

The legislative history of this section provides no elaboration on the precise scope of this provision, but its language is broad enough to be construed as authorizing the commanding general to use the National Guard to support activities of the civilian police force during any massive demonstration or parade in the District.

Since the President performs the same function with respect to the District of Columbia National Guard as the Governors of the several States serve with respect to their respective State organizations, and since the Congress has vested the President with comparable authority in the appointment and removal of the commanding general of the District of Columbia organization, it would certainly not seem inappropriate for the President to request or urge the commanding general to use the National Guard in support of activities of the District of Columbia police whenever he feels that the welfare, safety, or interest of the public would be served thereby.

Section 45 of the Act (D.C. Code 39-603) expressly authorizes the commander-in-chief (the President), upon a request from the commissioners for the District of Columbia or the United States marshal for the District of Columbia, to order so much or such portion of the National Guard as he may deem necessary to suppress any tumult, riot, mob, or similar violence, or threat thereof, in the District of Columbia.

However, it would seem ill-advised to rely upon that authority in a situation in which the Guard is being called out, as a precautionary move, only as an auxiliary of the civilian police force in advance of a demonstration or parade which promises to be entirely peaceful and orderly.

Accordingly, as between Sections 44 and 45 (D.C. Code 602 and 603, respectively), Section 44 seems to provide the legal authority that should be relied upon should the District of Columbia Guard be called out to supplement the civilian police force in controlling a peaceful demonstration or parade.

There are, of course, certain other provisions of law that would permit the call up of all units or members of the District of Columbia National Guard, but they all involve "federalization" of the Guard.

For instance, 10 U.S.C. 672(b) and (d) authorize the Secretary concerned to order reserve units and members to active duty, without the consent of the members involved, for not more than 15 days a year. However, in the case of the District of Columbia Guard, this authority may be exercised only with the consent of the District of Columbia ~~commanding~~ general. It should be recognized that these provisions were designed primarily as a means for requiring members of the reserve forces to engage in involuntary active-duty training.

10 U.S.C. 673 authorizes the ordering of Ready Reserve units (which include National Guard organizations), and members thereof, to active duty, without the consent of the persons involved, for periods of not more than 24 months. However, this authority can be exercised only if the President proclaims the existence of another national emergency. In this regard it will be recalled that the President refrained from using this authority in the last Berlin crisis, and, instead, obtained special temporary authority (now expired) from the Congress to call up a limited number of reserve personnel.

10 U.S.C. 3500 and 8500 authorize the President to call up Guard units to repel invasions or threatened invasions, to suppress rebellions or danger of rebellion, or when the President is unable with regular forces to execute the laws of the United States. Clearly, this authority could not be used to activate National Guard units merely to supplement civilian police activities during a peaceful demonstration or parade.

Whether Chapter 15 of Title 10 (Sections 331-334) can be used to activate the District of Columbia National Guard appears debatable. That issue is discussed in a memorandum entitled "Authority of the President to use the army in event of civil disturbance in the District of Columbia" which was prepared in this Office and a copy of which is attached.

C
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P
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MEMORANDUM

Re: Authority of the President to use the army
in event of civil disturbance in the
District of Columbia

Sections 331-333 of title 10, United States Code, do not appear to apply to the District of Columbia. Section 331 authorizes the President to use the militia and the armed forces to suppress insurrection in any State against its government at the request of that State. In United States v. Stewart, Fed. Cas. No. 16, 401a (Crim. Ct., D.C., 1857), the court stated that the terms of this provision apply to the States and not the District of Columbia. However, the court upheld the authority of the President to call out the marines to preserve order at the polls, under article 2, section 2 of the Constitution, which provides that the President shall be commander-in-chief of the army and navy, and section 3 of article 2 providing that he shall take care that the laws be faithfully executed.

The language of section 333 authorizing the President to use the militia or armed forces to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, under certain circumstances of interference with the execution of State and Federal law, also appears to apply only to the States. Section 332 authorizes the use of the militia and armed forces to enforce the laws of the United States in any State or Territory. The term "Territory" is defined to mean "any Territory organized after this title is enacted, so long as it remains a Territory." 10 U.S.C. 101(2).

The President is authorized to call out the D.C. militia at the request of the District Commissioners or the U.S. marshal for the District of Columbia, D.C. Code, sec. 39-603, and to call into the Federal service the Army National Guard of any State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia to repel invasion

by a foreign nation, suppress rebellion or execute the laws of the United States, 10 U.S.C. 3500. However, there does not appear to be express statutory authority to call upon the Army to suppress violence in the District of Columbia.

The Posse Comitatus Act, 18 U.S.C. 1385, prohibits the use of the Army or the Air Force as a posse comitatus or otherwise to execute the laws except in cases and under circumstances expressly authorized by the Constitution or Act of Congress. The intent of Congress was to limit use of the Army to those situations expressly authorized. 1/ However, to construe the Act as prohibiting the President from calling on the Army to quell a civil disturbance in the District of Columbia might render it unconstitutional. 2/ If such question were litigated it is likely that the courts would give full effect to the dicta of the Debs case: 3/

"The entire strength of the nation may be used to enforce in any part of the land the full and free exercise of all national powers and the security of all rights entrusted by the Constitution to its care. The strong arm of the national government may be put forth to brush away all obstructions to the freedom of interstate commerce or the transportation of the mails. If the emergency arises, the army of the Nation, and all its militia, are at the service of the Nation to compel obedience to its laws."

1/ See OLC memoranda of October 2, 1957 and November 5, 1957, on the Posse Comitatus Act.

2/ See 41 Op. A.G. No. 67, page 20; OLC memorandum of November 5, 1957, page 15, Lorence, The Constitutionality of the Posse Comitatus Act, 8 U. Kan. City L. Rev. 164, 179-191.

3/ In re Debs, 158 U.S. 564, 582 (1895). See also Ex parte Siebold, 100 U.S. 371, 395 (1879); In re Neagle, 135 U.S. 1, 65 (1890).

This would seem particularly applicable to the District of Columbia as the seat of the Government. Const. Art. 1, Sec. 8, cl. 17.

In 1932, the bonus expeditionary force, composed primarily of veterans seeking legislation for immediate payment of veterans' bonuses came to Washington. Most of the veterans were housed in tents and shacks across the Anacostia River; some were housed in government buildings on Pennsylvania Avenue which were in the process of being demolished. After having given notice to vacate the government buildings, on July 28 the Treasury Department with local police protection attempted to repossess the buildings in order to continue the demolition. This resulted in a clash in which the police killed one veteran and fatally wounded another. Shortly thereafter the District Commissioners telephoned the White House requesting the assistance of Federal troops. President Hoover asked for a written request, which was promptly sent, and instructed the Secretary of War to furnish troops. No proclamation was issued. The Army not only cleared the buildings, but moved on into the Anacostia encampment. The shacks which housed the veterans were completely destroyed during the night and the veterans went home. Rich, The Presidents and Civil Disorder (1941), pages 167-176.

In discussing the criticism of President Hoover's action, Mr. Rich states, page 174:

"The President was also criticized for not issuing a proclamation, as prescribed by law, announcing the coming of the troops. In view of the procedure used in calling the army, this criticism seems valid. His Cabinet officer, in writing of the incident, stated that the Commissioners had the 'same right of call

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as the Governor of any State.'^{4/} If this was the view of the President, and the steps taken in calling the troops would seem to indicate as much, then a proclamation should have been issued. However, in this instance, it is difficult to see what good the proclamation might have done."

Presumably the proclamation which Mr. Rich refers to is that required by 10 U.S.C. 334, when the President considers it necessary to use the militia or the armed forces under sections 331, 332, or 333.

Federal troops were also used to quell racial riots in the District of Columbia in July 1919. President Wilson made no public statement on the riots although he was in communication with the Secretary of War, who ordered the troops to assist the civil authorities. Rich, pages 153, 154.

4/ Ray Lyman Wilbur and Arthur M. Hyde, The Hoover Policies (1937) p. 204-205:

"With the same right of call as the governor of any State they [the District Commissioners] demanded military assistance to restore order. General McArthur [sic] took charge and, without firing a shot or injuring a single person, restored order. The President's orders to the Secretary of War, however, were not carried out for they were specific to confine the action to restoring order in the city and to allow the men to return to their camps outside the business district. He proposed that the next day they would be examined to eliminate the Communist and hoodlum element. The army authorities, however, pressed all campers outside the District of Columbia, even those not participating in the riots."

Meeting - Monday, July 29, 9:00 A.M.

Present -- Chief Murray, Deputy Covell, Murdock (National Park Police), Castro (National Park Police), Stover (White House Police), General Powell, Califano, Col. Kane (MDW), McShane, Raywid, Reilly, Douglas.

The following was agreed upon by all those present:

1. The Metropolitan police will be responsible for maintenance and order, including traffic control and crowd control, throughout the city, August 28. All auxiliary units, such as Park Police, will be under Chief Murray, regardless of what function or location is involved. Plans will be developed with that in mind. If D. C. National Guard should be used as militia, they will be under Chief Murray.
2. The route will be from the Ellipse, down Constitution, to Lincoln Memorial, and then back Constitution to the buses and the Ellipse.
3. Buses delivering passengers for the parade from out of town will be parked in one spot and not moved until passengers board at the conclusion of the demonstration.
4. Parking of the buses will start in the area of the Ellipse, the Mall, and 15th and 17th Streets. Parking west of 17th Street will be undertaken only as a last resort.

Note change in next week's
time for meeting.

- 2 -

Consideration will be given in the planning to parking on the Mall east of 14th Street, with the understanding that 14th Street must be kept open throughout the day.

5. The area from between the west side of 14th Street and the east side of 23rd Street on Constitution Avenue will be blocked off. The same is true of side streets leading into Constitution between 15th and 23rd Streets. The blocking off will start at around 11 and will continue until the area is cleared at the conclusion of the rally. Shuttle buses from the railroad station will have to stop outside of the blocked off area.

6. The rally at Lincoln Memorial will have to end at 4 P.M.

7. Raywid and Castro will impress upon Fauntroy the importance of securing a first-rate audio system for the Lincoln Memorial meeting.

8. Police officers Liverman, Wright, and John Reilly (together with a representative of National Capital Park Police as well) will meet Tuesday, July 29, at 9 A.M. to prepare the details on parking and traffic plans.

9. Detailed plans for the conduct of the parade will be presented by Deputy Chief Covell to the same group at 2 P.M., Monday, August 5.

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Messrs. Reilly, McShane,
Raywid

DATE: July 27, 1963

FROM : John W. Douglas
Assistant Attorney General
Civil Division

SUBJECT:

The following projects should be completed this week. I would like to have detailed, written reports on each of them by noon Friday.

Reilly. Plan on where 2,000 buses would be parked in the vicinity of the Ellipse-mall. This list should contain the following:

(1) A tabular list of the number of buses which can be parked in a given area - e.g., 275 on Ellipse streets, 100 on east side of 15th Street between Constitution and Pennsylvania, 100 on the softball field off Constitution between 15th and 16th.

(2) This above list should be prepared on a priority basis -- that is, the no. 1 area should be the area where the first-arriving buses should be parked. This priority would be based on the following factors: (a) The facilitation of subsequent parking; (b) greater amount of time available for early riders to walk to the Ellipse; (c) the areas where buses could be parked if worst comes to worst and they must be parked on grass rather than roads -- e.g., Polo field, baseball field, etc.

In compiling this list, you should work with the police officials working on traffic control and with the National Capital Park Police.

We should also have a list similar to the above based on assumed 1,000 buses and another list based on assumed 500 buses.

McShane. A. Plans on how water, Red Cross and sanitation problems will be handled. These should include: (1) how many units of each would be needed; (2) their source and availability; (3) where the units should be stationed; (4) names, telephone numbers and addresses of those responsible for the foregoing.

The sanitation plan should be based on two assumptions: (1) that the riders go to the churches before assembling at the Ellipse; (2) that they go directly to the Ellipse. In the latter event, we would assume that buses stopped en route somewhere reasonably close to Washington.

In connection with the above, you should work with the D. C. Health and Sanitation departments.

B. Potentially dangerous spots where police should be stationed -- e.g., at reflecting pool, near buses, churches.

C. How many feet per policeman along Constitution. Location of police at Lincoln Memorial.

Raywid. A list composed of each individual from the city or State which is sending a delegation. The breakdown should be by city or State and should show the address and telephone number of the person involved.

A list of each of the churches where assemblies are to take place, together with their address, telephone number and the man in charge. *Also a check list for the churches, buses, taxis etc. for times, plans, parking, schedules etc.*

Meanwhile, I'll be working on getting the D. C. National Guard started planning for their participation as militia and in getting familiar with the contingency plans of the Army. Leon Ullman will give us the word on the mechanics for using militia. I will also start on the communications and stands problems.

July 26, 1963

At 2 p.m. on this date a meeting was held between various Government officials and representatives of the organizers of the Negro march on Washington, in the office of Chief Murray of the Metropolitan Police. Attached is a list of those present at the meeting.

The Negroes outlined generally their plans and program for the ^{march} meeting. Mr. Rustin was the principal spokesman for the group.

The current program is to begin at 10 a.m. and to terminate in sufficient time so that the participants could leave the city at 8 p.m. Delegations would gather at 51 disbursed collection centers for each State and the District of Columbia. For the most part, these would be local churches, including the National Cathedral, and possibly the armory. Congressional delegations would be asked to visit at the various collection centers. Twenty representatives of each group would come to the Capitol to visit representatives and to lobby on behalf of their aims. At 12:30 a delegation would seek an interview with the President, including one white and one Negro unemployed. At the same time, the entire group of marchers would assemble at the Ellipse by State delegation and march down Constitution Avenue to the Lincoln Memorial. There

they would be entertained by various personalities, such as Harry Belafonte and James Baldwin. Thereafter, a formal program would be held at the Monument and the program would terminate there.

The Negroes are organizing an internal security group of approximately 2000 men under the direction of William Johnson, Jr. of the New York Guardians (New York Negro Fraternal Police Organization). Mr. Robinson would act as chief marshal for the demonstration. Mr. Hobson and Mr. Robinson are to meet with an assembly of these marshals and explain the premise of the march, which is non-violence.

It is understood that there are to be no sit-ins and no acts of disobedience. However, the delegations visiting the "Hill" may seek audiences with reluctant congressman and may wait in their offices for short periods up to half an hour.

Problems of transportation and logistics were discussed. The idea was presented, and favorably received, that buses should be brought to the demonstration area and parked as near as possible to the point of termination of the march. However, it was pointed out that union regulations might

prohibit driving of the buses within the city.

Mr. Rustin stressed that the view of the White House must under no circumstances be blocked or restricted.

It was suggested that the main program be conducted not at the Lincoln Memorial but on the grounds of the Washington Monument. This idea was emphatically opposed by the Negroes, but, as an alternative, they suggested an earlier assemblage at the Lincoln Memorial and a march to the White House for a closing program. They suggested that something of interest be planned at the Ellipse.

Early release of Government employees was proposed by the Negroes and ^{it} was pointed out that the possibility of this is rather remote.

It was agreed by both groups that buses should park, discharge their passengers, and not move from these locations until reloading.

Mr. Murdock of the Park Police explained that two comfort stations were available and that additional facilities were being sought.

Rev. Fauntroy requested that we explore the possibility of furnishing cots for lodging in churches and other assembly points for visitors who would come from great distances.

- 4 -

It was agreed that Mr. Hailes and Rev. Fauntroy would act as liaison with city officials on transportation problems.

The march is being called by James Farmer, Martin Luther King, John Lewis, A. Philip Randolph, Roy Wilkins, and Whitney Young. These six are joined by Walter Reuther; E. Carson Blake of the National Council of Churches; a Mr. Ahman, a prominent Catholic layman, who will be replaced by a Catholic Bishop; and a representative of the Jewish faith, possibly Rabbi Prince.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Metropolitan Police Department

July 26, 1963.

SUBJECT: Proposed Civil Rights Demonstration on Aug.

1. A. No firm plans for location of buses. Verbal request to National Capital Parks to park them in the area.
B. After they leave the churches, the Civil Rights leaders will assemble in the South Ellipse behind the White House.
2. A. No information concerning location of state buses.
B. No information as to the time element to be observed.
3. A. Yes -- latest information shows out of the Constitution Avenue; west on Constitution Avenue; left into Bacon Drive and enter the Lincoln Memorial.
B. This question has not been resolved, and group of Civil Rights leaders are recommending that, due to the large number of persons attending that it be moved from the Lincoln Memorial to the Wilson Theatre.
4. A. This matter was taken up with the National Capital Parks by the Civil Rights leaders.
B. Have not resolved this question as of this date.
5. Dr. Frederick C. Heath, of the Health Department, called a meeting at the D. C. Chapter of the American Red Cross at 1:00 P.M. on Monday, July 22, 1963, which was attended by the various District, Federal Agencies and Medical Service. They are proceeding on the line that the District of Columbia Government will coordinate the sanitation problem, including drinking water. The National Capital Parks offered their two mobile toilets.
6. Dr. Heath held a meeting as stated above and steps are being taken to establish First Aid Stations, also, ambulance services with the understanding that the Medical Service will be called upon to furnish additional doctors at the various hospitals in the District of Columbia. One suggestion was to utilize the National Guard Armory in case of an overflow of sick or injured persons.
7. Blocking of traffic: Deputy Chief William J. Liverman, In Charge of Traffic, is on leave and Inspector Charles I. Wright was directed to prepare a plan for the handling of traffic throughout the entire District of Columbia, especially in the area where the Civil Rights Demonstrators will operate.

Covell

Murdock

Castro

Johnson

Hobson

Rustin

Robinson

Brown

Fauntroy

Raywid

McShane

Douglas

Acheson

Califano

Reilly

Powell

Murray

Hailes

Moore

8. The Traffic Division was advised that they must keep the bridges to Virginia open at all times. Also, the Commanding Officer of the Harbor Precinct was directed to have two patrol boats constantly patrolling the 14th Street bridges and one at the other bridges crossing the Potomac, also, to request the assistance of the Coast Guard or, if necessary, private owners of boats in the private clubs located within his jurisdiction.
9. The Orders of the Metropolitan Police Department concerning the handling of reporters and photographers, including television, radio, etc., will be in effect and any visiting bonafide newspaper gatherer who applies for a Police Press Pass will receive every consideration from the Commissioners' Committee on the Issuance and Use of Police Press Passes. This is handled by telephone and there would be little or no delay. At the proper time, the Chairman of the Committee will be requested to send out a flash on their new system advising all bonafide newspaper gatherers that if they are coming to Washington for that date, that they must apply before they arrive here to obtain passes.
10. The Civil Rights leaders advise that all demonstrators must be in Washington by 10:00 A.M., However they stated that some will come the night before and they will be arriving at all hours of the morning up to 10:00 A.M. No estimation of the number of early arrivals. The Civil Rights leaders were advised if they furnish the Traffic Division with the route and the time of the arrivals that the buses would be escorted either to the churches or to whatever location that was established by the Civil Rights leaders. There is no information to the effect that they will stay anywhere in the District of Columbia. The Civil Rights leaders have stated emphatically that they will arrive on August 28 and will leave the same day not later than 8:00 P.M.
11. We have sufficient personnel if there is no violence. We do not have sufficient personnel if there is any disorder or violence. At present we have a total of 2872 men, of which approximately 100 or more will be on sick leave and not able to be returned to duty. All members of the Department will be put in a no day off or leave status with exceptions made for emergency and a sufficient force must be maintained in the precincts so as to maintain law and order and prevention of the commission of crime in those areas. All other will be made available for assignments to the White House, the United States Capitol and to assist the United States Park Police as it appears, at this time, practically all these activities will be in the area under their jurisdiction.

MPDC { 216 for administration
MEN { 289 for mobile units
10 for river patrol
200 footmen throughout the precincts.

Total occupied with customary duties — 815

Total available for Civil Rights Demonstration — 1900

Remainder would no doubt be on sick leave.

This is predicated on using the services of all men on up to a 24-hour basis — no release.

There is a possibility of bringing in 500 police reserves who have badges and uniforms. A request will be forwarded to the Commissioners.

2 - 12 shifts

^{Innie}
Deputy Johnson - Deputy Police Chief

Moore - D.C. Marshal
Ackerson

()

~~Int'l Reserve~~

Nat'l Guard - would be helpful

Two MP Battalions - 350 each

Field Hospital

Two Engineering Groups

Deputy Chief Swirman - Chief of Traffic
Va + Md

Gov't Buses -

JETT - June 11. Could use memorial grounds

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folded

RE: AUGUST 28

Meeting was held in conference room at 2:00 p.m. on July 25, 1963. In attendance were John Douglas, Burke Marshall, John Reilly, James McShane and Alan Raywid of the Department of Justice; Commissioner Walter Tobriner of the D. C. Government; and Joe Califano, General Counsel of the Army and General Powell of the Army.

Mr. Marshall opened the meeting by advising that the President was interested and concerned about the Negro march and wanted to see cooperation between the federal and local governments to insure the peaceful and orderly conduct of the August 28 march. Principal issues to be decided were:

1. Whether to call up the National Guard.
2. What other available military units to be used.

General Powell has already met with Chief Murray for the formulation of preliminary plans. These plans, however, have only encompassed contingency problems or riot control, not augmentation of the local police force. The mechanics of guard call-up were discussed. The local National Guard includes 1100 men trained in MP work.

- 2 -

Regular Army forces available in Washington (MDW), which are approximately 4,000 men, could be augmented by 15,000 men sent principally from Ft. Bragg. Any troop movements, of course, would receive wide public attention. Local police could perhaps have a force of only 1000 men on duty at any one time. Five hundred marshals could be summoned.

Problems discussed included:

1. Number of people arriving at Union Station.
2. Medical attention for approximately 1000 people from a crowd of 100,000.
3. Signal Corps to arrange for "hot line" communications.
4. Deployment of troops to Capitol Hill.
5. Desirability of closing liquor stores.

Decisions:

1. Meeting to be held at Chief Murray's office to discuss augmenting police force.
2. Meeting with Walter Reuther and Jack Conway.
3. Meeting with Negro leaders on Friday.

- 3 -

It was decided also that Mr. Reilly would use the United States Attorneys' offices for the collection of newspaper clippings regarding the march.

Discussed the desirability of getting information from Detroit and Chicago on the handling of their marches.

On berthing and lodging, GSA and the Red Cross are possible sources for cots. The Armory might be available for quarters.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Metropolitan Police Department

July 22, 1963.

RECEIVED
OFFICE OF THE
CHIEF OF POLICE
JUL 23 4 27 PM '63
MET. POLICE D.C.

TO: The Chief of Police.

THRU: The Executive Officer.

Time of Meeting: 10:30 A.M., Thursday, July 18, 1963.

In Attendance: Lieutenant Owen W. Davis, Reverend Walter Fauntroy and Reverend Edward Hailes.

Place: Headquarters, NAACP, 1417 U Street, N. W.

Reverend Edward A. Hailes, Executive Secretary of NAACP, liaison man for the Coordinating Committee. Contacts with the Coordinating Committee will be through Reverend Hailes.

The theme of the demonstration will be "A memorial to Medgar Evers."

General Plans: Persons participating in the demonstration will arrive in this city by buses and trains, private autos are being discouraged. They will have instructions to report to specific locations about the city. They will then be transported, by bus to the ellipse where they will be assigned to specific locations on the ellipse. While the groups are gathering on the ellipse some sort of entertainment will be furnished. The Committee expects to have a number of Motion Picture stars and other celebrities for this purpose.

When all groups have arrived from the assembly points, the march will proceed to the Lincoln Memorial over the following route:

West on Constitution Avenue to the Lincoln Memorial.

Liaison: Reverend Fauntroy is satisfied with the Police Department's plans for liaison. He thought the needs of his Committee could be successfully met with current plans for liaison.

Transportation of Marchers to Ellipse: Logistics

Tentative plans call for the transportation of marchers from the various assembly points about the city to the Ellipse in buses. The Committee is working on plans for a large shuttle bus service for that purpose. The Committee is not sure at this time, if all marchers can be transported in this fashion. If a large number of buses are utilized adequate parking spaces should be provided.

Assembly points about the city:

The Committee is compiling lists of churches and other establishments who have offered their facilities to the demonstrators. A list of those locations will be provided the Department. Transportation may not be provided those persons assembled close to the Ellipse.

Route of march from the Ellipse to the Lincoln Memorial:

Reverend Fauntroy expressed the opinion that the open area around the Lincoln Memorial may not be large enough to accomodate the large number of persons expected to participate. He will offer to the group in New York the following alternate plan.

Leave the Ellipse and proceed west on Constitution Avenue to the Lincoln Memorial; around the Memorial and east on Relecting Pool Drive to the grounds of the Washington Monument. Stands to be placed on the Constitution Avenue side of the Monument Grounds, facing the Monument. The marchers will assemble on the Monument Grounds between Constitution Avenue and the Washington Monument.

NOTE: All of the above plans are purely tentative. Reverend Fauntroy and his staff will go to New York on Tuesday, July 22, 1963, for a meeting with the New York group. He will return to the city on Wednesday. He expects that the broad outline of the arrangements will be finalized in the meeting in New York.

The maps furnished by the Department were delivered to the Committee on Monday, July 22, 1963. Reverend Fauntroy found them adequate and will take them to New York with him.

Owen W. Davis
Owen W. Davis,
Lieutenant, Second Precinct,
Liaison,
Civil Rights Leaders.

OWD:C:bd